IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

W.P.Nos.15560/2003, 15570/2003, 17352/2003, 17659/2003, 17726/2003, 18075/2003, 18829/2003, 19257/2003, 19680/2003, 19921/2003, 23097/2003, 23457/2003, 23600/2003, 24894/2003, 25928/2003, 27160/2003 AND 341/2004.

WRIT PETITION NO : 15560 of 2003

Between:

1 Mathrusree Binny Rice Mill, Rep. by Shiva Kumar, S/o Bhoomaiah, Borgoen, Nizamabad, R/o Nizamabad.
2 Manaswini Traders, Nizamabad, Rep. by G.Srinivas, S/o G.Gopaiah, R/o Nizamabad.
3 Paravathi Parameswara Industries, Nizamabad, Rep. by E.Radhakrishna, S/o Bhoomaiah, R/o Nizamabad.
4 M.Dayanand & Co, Nizamabad, Rep. by M.Dayanand, S/o Laxmaiah, R/o Nizamabad.
5 Sri Vittaleswara Swamy RM, Nizamabad, Rep. by M.Dayanand, S/o Laxmaiah, R/o Nizamabad.
6 Murali Rice & Oil Mill, Nizamabad, Rep. by Murali, S/o Laxmaiah,

R/o Nizamabad.
7 Sri Dhanalaxmi Rice Mill, Mokanpalli, Rep. by V.Mohan Reddy, S/o Veera Reddy,
R/o Nizamabad.
8 Thirumala Binny RM, Rampoor, Rep. by Laxmi Narsaiah, S/o Laxman,
R/o Nizamabad.
9 M.Balakistaiah & M.Prakash BRM, Nizamabad, Rep. by M.Prabhakar, S/o Laxmaiah,
R/o Nizamabad.
10 Sri Thirumala Srinivasa Industries, Khanapur, Rep. by M.Prabhakar, S/o Laxmaiah,
R/o Nizamabad.
11 Gayatri Industries, Nizamabad, Rep. by Suryapal, S/o Suryapal,
R/o Nizamabad.
12 Shiva Shanker Industries, Nizamabad, Rep. by Narander Daliya,S/o Mangal Chand,
R/o Nizamabad.
13 Kanaka Mahalaxmi Traders, Nizamabad, Rep. by S.Vishwanatham, S/o Venkatarajam,
R/o Nizamabad.
14 Sri Krishna Trading Co, Nizamabad, Rep. by Shivarajulu, S/o Gundaiah,
R/o Nizamabad.
15 Thirumala Industries, Ashokfarm, Nizamabad, rep. by Nagesh, S/o Venkataramaiah,
R/o Nizamabad.
16 Raghurama Traders, Nizamabad, Rep. by A.Raju, S/o Balkishan,
R/o Nizamabad.
17 M.Bansilal & Co, Nizamabad, Rep. by Balkishan Modani, S/o Bansilal Modani,
R/o Nizamabad.
18 Sri Laxmi Narsimha Industries, Nizamabad, (Koloor Road), Rep. by Kola Ram, S/o Nagaiah,
R/o Nizamabad,
19 Sri Gajanan Industries, Nizamabad, Rep. by Pradeep J Bhimani, S/o Jamunadas Bhimani,
R/o Nizamabad.

..... PETITIONERS

AND

1 The Government of A.P., Rep. by its Secretary, Food and Agriculture (Marketing)Dept.
Secretariat, Hyderabad.
2 The Government of A.P., Rep. by its Secretary, Law and Legislative Affairs,
Secretariat, Hyderabad.
3 The Director of Marketing, Govt of A.P.,
Hyderabad.
4 Agricultural Market Committee, Nizamabad, Rep. by its Secretary,
Nizamabad Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ declaring that the action of the respondents in notifying the Rice as agricultural produce for the purpose of levy of Market Fee under the provisions of the A.P. Agricultural (Produce & Live Stock) Markets Act, 1966, is arbitrary and illegal, and direct the respondents not to insist the petitioners to pay the Market Fee on the Rice milled from out of paddy, if necessary by granting a declaration that Rice is not an agricultural produce within the meaning of the A.P. Agricultural (Produce & Live Stock) Markets Act, 1966, and grant such other relief as it deems fit in the circumstances of the case.

Counsel for the Petitioner: MR. G.PRAMOD KUMAR

Counsel for the Respondent No.: GP FOR AGRICULTURE

WRIT PETITION NO : 15570 of 2003

Between:

1 Bejagum veeranna Venkata Narsimlu RM, Nizamabad, Rep. by B. Krishna, S/o Veeraiah,
R/o Nizamabad.
2 Thirupathi agro Industries, Nizamabad, Rep. by Partner Ashok Sharma, S/o H.K.Sharma,
R/o Nizamabad.
3 Murali Krishna Industries, Nizamabad, Rep. by V.Amarender, S/o Eswaraiah,
R/o Arsapally, Nizamabad.
4 M/S Yogesh & Co., Nizamabad, Rep. by its Partner D.Veerendher, S/o Kishan,
R/o Nizamabad.
5 Raghavendra Industries, Kaloor Road, Nizamabad, Rep. by S.Kishan, S/o Venkatarajam,
R/o Nizamabad.
6 Sri Yogeshwara Industries, Khanapoor (V),Kaloor Road,Nizamab Rep. by Partner Goli Srinivas, S/o Eswaraiah,
R/o Nizamabad.
7 Shubham Trading Co., Kaloor Road, Nizamabad, Rep. by L.Suresh, S/o Sharabaiah,
R/o Nizamabad.
8 Sree Vaishnavi Trading Co., Kaloor Road, Nizamabad, Rep. by R.Shyam Sunder, S/o R.Kistaiah,
R/o Nizamabad.
9 M/S Sri Laxminarayana Industries, Kaloor Shivar, Nizamabad, Rep. by K.Laxman, S/o Balaji,
R/o Nizamabad.
10 Shree Vishnu Laxmi Rice Mill, Nizamabad, Rep. by M.G.Partner D.Indrasen, S/o D.Shankar,
R/o Nizamabad.
11 Lalitha Industries,Kaloor Road, Khanapur, Nizamabad, Rep. by Parsi Ramesh Gupta, S/o Raja Shankaraiah,
R/o Nizamabad.
12 Lalitha Rice Mill, Weekly Bazar, Nizamabad, Rep. by Ramesh Gupta, S/o Raja Shankaraiah,
R/o Nizamabad.

13 Jai Ganesh Rice Mill, New Gunj Road, Nizamabad, Rep. by K.Vittal, S/o K.Shankaraiah,
R/o Nizamabad.
14 Nizamabad Agro (P) Ltd., Gandhigunj, Nizamabad, Rep. by Gopal Soni, S/o Radhakishanji Soni,
R/o Nizamabad.
15 Gopaldas Shyamsunder & Co., Kaloor, Rep.by Suraj Agarwal, S/o Nathmalji Agarwal,
R/o Nizamabad.
16 Sri Yogeshwara Para Boiled Industries, Khanapur, Nizamabad, Rep. by L.Srinivas, S/o L.Gangarajam,
R/o Nizamabad.
17 Vasavi Industries PBRM, Arspalli, Nizamabad, Rep. by Palda Surya Prakash, S/o Gangadhar,
R/o Nizamabad.

18 M/S K.Dasharatham & Bros., Arsapally, Nizamabad, Rep. by K.Kishan, S/o K.Dasharatham,
R/o Nizamabad.
19 Sri Satyanarayana & Co., Rice Mill, Cont., Nizamabad, Rep. by K. Krishna, S/o Dasharatham,
R/o Nizamabad.
20 Sri Vasavi Kanyaka Parameswari Industries, Koloor, Nizamabad Rep. by P.Srinivas, S/o P.Laxminarayana,
R/o Nizamabad.
21 Sri Srinivasa Industries, Khanapur, Nizambad, Rep. by P.Lakshminarayana, S/o Narsaiah,
R/o Nizamabad.
22 Sri Rama Modern & Par Boiled RM, Sarangapur, Rep. by Kailash Goenka, S/o Dulichand Goenka,
R/o Nizamabad.
23 Sri Sitarama Modern & Parboiled RM, Kamareddy, Rep. by Harish Goenka, S/o Dulich and Geenka,
R/o Nizamabad.
24 Sri R.K.Modern Rice Mill, Khanapur, Rep. by Pavan Kumar Kedia, S/o Ram Nivas Kedia,
R/o Nizamabad.
25 Sri Panduranga Rice Mill, Khanapur, Nizamabad, Rep .by G.Ratnakar, S/o Ramulu,
R/o Nizamabad.
26 Sri Venkataramana Paddy Processing Industries, Khanapur, Nizamabad, Rep. by D.Srinivas, S/o Jagadishwer Gupta,
R/o Nizamabad.
27 Vamshikrishna Binny RM, Arsapalli, Nizamabad, Rep. by D.Srinivas, S/o Jagadiswer Gupta,
R/o Nizamabad.
28 Sri Vaman Traders, Manikbhander, Nizamabad, Rep. by I.Rajulu, S/o Sharabaiah,
R/o Nizamabad.

..... PETITIONERS

AND

1 The Government of A.P., Rep. by its Secretary, Food and Agriculture (Marketing)Dept.
Secretariat, Hyderabad.
2 The Government of A.P., Rep. by its Secretary, Law and Legislative Affairs, Secretariat, Hyderabad.
3 The Director of Marketing, Government of A.P., Hyderabad.
4 Agricultural Market Committee, Nizamabad, Rep. by its Secretary, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ declaring that the action of the respondents in notifying the Rice as agricultural produce for the purpose of levy of Market Fee under the provisions of the A.P. Agricultural (Produce & Live Stock) Markets Act, 1966, is arbitrary and illegal, and direct the respondents not to insist the petitioners to pay the Market Fee on the Rice milled from out of paddy, if necessary by granting a declaration that Rice is not an agricultural produce within the meaning of the A.P. Agricultural (Produce & Live Stock) Markets Act, 1966, and grant such other relief as it deems fit in the circumstances of the case.

Counsel for the Petitioner: MR.G.PRAMOD KUMAR

Counsel for the Respondent No.: GP FOR ANIMAL HUSBANDARY

WRIT PETITION NO : 17352 of 2003

Between:

1 M/s.Srinivasa Rice Mill, Rep. by its partner Y.Krishna Murthy, S/o.Gundaiah, Narsingi, Medak Dist., R/o.Narsingi.
2 M/s.Sri Baghya Laxmi Binny Rice Mill, Narsingi, Rep.by partner Y.Nagesh,S/o.Venkaiah,
R/o.Narsingi.
3 M/s.Annapurna Binny Rice Mill, Narsingi, Medak Dist., Rep. by partner Y.Srinivas, S/o.Yadhagiri,
R/o.Narsingi.
4 M/s.New Thirumala Binny Rice Mill, Narsingi, Medak Dist. Rep.by partner Y.Yadhagiri, S/o.Shivaiah,
R/o.Narsingi.
5 M/s.Sri Balaji Binny Rice Mill, Narsingi, Rep. by partner M.Nagaraju, S/o.Siddiramulu,
R/o.Narsingi.
6 M/s.Sri Sapthagiri Binny Rice Mill, Narsingi, Rep.by partner Y.Ashok, S/o.Gundaiah,
R/o.Narsingi.
7 M/s.Thirumala Binny Rice Mill, Narsingi, Rep.by partner U.Omprakash, S/o.Bhoomaiah,

R/o.Narsingi.

8 M/s.Bhagawathi Binny Rice Mill, Narsingi, Rep.by partner Y.Dakshnamurthy, S/o.Gundaiah,
R/o.Narsingi.

9 M/s.Sri Dhanalaxmi Modern Rice Mill, Narsingi, Rep.by Managing Partner M.Chandraiah, S/o.Narayana,
R/o.Narsingi.

10 M/s.Sri Krishna Modern Rice Mill, Narsingi, Rep.by Managing Partner M.Chandraiah, S/o.Narayana,
R/o.Narsingi.

..... PETITIONERS

AND

1 The Govt.of A.P., Rep.by its Secretary, F & A (Mktg.) Dept.,
Secretariat, Hyderabad.

2 The Govt.of A.P., Rep.by its Seretary,
Law & Legislative Affairs, Secretariat, Hyderabad.

3 The Director of Marketing, Govt.of A.P.,
Hyderabad.

4 The Agrl.Market Committee, Rep.by its Secretary,
Ramayampet, Medak Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ declaring that the action of the respondents in notifying the Rice as Agricultural produce for the purpose of levy of Market Fee under the provisions of the A.P. Agricultural (Produce and Livestock) Markets Act, 1966 is arbitrary and illegal and direct the respondents not to insist the petitioners to pay the Market Fee on the Rice milled from out of paddy, if necessary by granting a declaration that Rice is not an agricultural produce within the meaning of the A.P. Agricultural (Produce and Livestock) Markets Act 1966, and grant

Counsel for the Petitioner: MR.G.PRAMOD KUMAR

Counsel for the Respondent No.: MRS.NANDA R. RAO

WRIT PETITION NO : 17659 of 2003

Between:

1 Sri Venkateshwara Rice Industries, Rep its M.Partner Velupalli Lavaiah S/o.Somaiah,
Chityal. Nalgonda District.

2 Srivenkateshwara Modern Rice Mill, rep.by its ManagingPartner Velupalli Bixapathi,S/o.Somaiah
Chityal, Nalgonda District

3 M/s.Hanuman Industries, Vattimarthy rep.by its PartnerT.Radhakishan s/o.Hanmanthaiah
Chityal Mandal, Nalgonda District
4 M/s.Siddartha Industries, Paddy & Rice Mill, Vattimarthy, rep.by its Partner Pola Peddaiah, S/o.Lingaiah
Chityal Mandal Nalgonda District.
5 M/s.Uday Industries, Vattimarthy rep.by its partner, V.Venkateswarlu, s/o.Narsaiah
Chityal Mandal,
Nalgonda District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, rep.by its Secretary, Food & Agriculture(M)Dept
Secretariat, Hyderabad
2 The Direcstor of Marketing,
Govt.of A.P., Hyderabad.

3 The Agricultural Market Committee, Rep.by its Secretary.
Chityal, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare that rice is not an agricultural produce and therefore item 2 of Schedule-II of the A.P.(Agricultural Produce and Livestock) Markets Act, 1966 and therefore not in accordance with Section 2 (1) of the Act and strike down item 2 of Schedule-II of the Act and (2) to declare that stopping or otherwise obstructing the movement of Rice by the Respondents at the Check Posts or any other place, demanding and collecting Market Fee from the Petitioners is illegal and beyond the scope of Rule 75 and not in accordance with Section 12 of the Act by issuing Writ of Mandamus or any other writ, direction ore appropriate order in the circumstances of the case.

Counsel for the Petitioner: MR.G.PRAMOD KUMAR

Counsel for the Respondent No: N.A

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WRIT PETITION NO : 17726 of 2003

Between:

1 Sri Aravinda Nilaya Parboiled Modern Rice Mill, rep by its Managind Partner,Srirangam Ganesh
S/o.Kistaiah, Beebigudem Village,Suryapet Tq,
Nalgonda district,

2 Sri Ravindra Parboiled Modern Rice Mill Rep.by Managind Partner, B.Ravinder S/o.Guruvaiah
Chivemla, Suryapet,
Nalgonda District.
3 Navodaya Parboiled & Rice Industry, rep.by Mg.Partner M.Ramurthy, S/o.Rangaiah
Beebigudem, Suryapet,
Nalgonda District.
4 Jayalaxmi Parboiled Modern Rice Mill rep.by Managing Partner P.Narsimharao S/o.Kanakaiah,
Beebigudem, Suryapet,
Nalgonda District.
5 Sri Gajalakshmi Parboiled Modern Rice Mill, rep.by Partner Pabba Nageshwar Rao S/o.Uddamaiah,
Bebigudem Village, Suryapet Mandal Chivemula,
Nalgonda District.
6 Navarathana Paraboiled Industry rep.by partner K.Chandrasekhar S/o.K.Venkanna,
Durajpally, Chevemula Mandal,
Suryapet, Nalgonda Dist.
7 Krishna Sai Commercial Company, Rep.by Mg.Partner Ch.Srinivas S/o.Lakshmamaiah,
Cont:Navajyothi Parboiled Rice Industry, Durajpally, Suryapet,
Nalgonda District.
8 Sudha Sai Traders, Market Yard, rep.by Partner G.Nageswar Rao S/o.Ramaiah, Suryapet. Nalgonda District.
9 Janikirama Trading Company, rep.by Managing Partner Ch.Someshwarrao S/o.Chandraiah
Cont:Sri VenkatalakshmParboiled Industry, Industrial Estate,
Suryapet, Nalgonda Dist.
10 Swarupa Foods Private Limited, rep by Managing Director M.SrinivasuluS/o.Satyanarayana
Suryapet, Nalgonda District.
11 Gouthami Parboiled Industries, Suryepet, rep.by Partner, M.Ramamurthy S/o.Challaiah
Janagaon Road, Suryapet,
12 M/s.Gayathri Trading Company, rep.by partner K.Venkanna S/o.Chandraiah
Pillalamarry, Suryapet,
Nalgonda Distric.
13 Sri Rama Krishna Par Boiled Rice Industries, rep.by Mg.Partner, A.Ramachandraiah S/o.Rajalingaiah,
Pillalamarry Village, Suryapet,
Nalgonda District,
14 Nataraja Parboiled Industries, rep.by Mg.Partner B.Krishna Murthy, S/o.Narayana
Bibigudem, Suryapet,
15 Sri Surya Parboiled Industry, rep.by Partner, R.Kutumbarao S/o.Narsaiah,
Chivemula, Suryapet,
Nalgonda Dist.
16 Venkata Krishna Trading Co., Rep/ Mg.Partner Y.Brahman Goud S/o.Sriram Goud.
Bibigudem Suryapet,
Nalgonda District.

17 Sri Santhoshima Parboiled Modern Rice Mill, rep.by Partner G.Venkateswarlu S/o.Guravaiah,
Gaddipalli, Garidapalli Mandal,
Nalgonda Dist.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh Rep by its Secretary,
Food&Agriculture(Makg) Department, Secretariat,
Hyderabad.
2 The Director of Marketing, Govt.of A.P.,
Hyderabad.
3 The Agricultural Market Committee, rep.by its Secretary.
Suryapet, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare that Rice is not an agricultural produce and therefore item 2 of Schedule-II of the A.P.(Agricultural Produce and Livestock) Markets Act, 1966 and therefore not in accordance with Section 2(1) of the Act and strike down item 2 of Schedule-II of the Act and (2) to declare that stopping or otherwise obstructing the movement of rice by the respondents at the check posts or any other place, demanding and collecting Market Fee from the petitioners is illegal and beyond the scope of Rule 75 and not in accordance with Sec.12 of the Act by issuing writ of Mandamus or any other writ, direction or appropriate order in the circumstances of the case.

Counsel for the Petitioner: MR.G.PRAMOD KUMAR

Counsel for the Respondent No.: GP FOR AGRICULTURE

WRIT PETITION NO : 18075 of 2003

Between:

1 Rakesh Traders C/o.Annapurna Rice Mill, Suryapet, Nalgonda District, Rep by Prop. M. Satyanarayana, s/o Rangaiah, age 45 years.
2 Sri Balaji Rice Mill, Gunda papaiah & Co., Suryapet,
Rep by partner G. Satyanarayana, S/o Gopaiah,
3 Sri Santhoshimatha Traders, Suryapet,
Rep by Prop B. Anjaiah, S/o Ramaiah,
4 Ganesh Sai Trading Co, Chandrannakunta Rep by Managing Partner K. Nageswar Rao, S/o Somaiah.
Suryapet.
5 Sri Laxmi Ganapathi Traders, Rep by Prop.,K. Ambarisha S/o Latchaiah,
Suryapet.

..... PETITIONERS

AND

1 The Government of A.P., Rep by its Secretary Foof & Agriculture (Marketing) Department, Secretariat, Hyderabad.
2 The Director of Marketing, Government of A.P., Hyderabad.
3 The Agricultural Market Committee, Rep by Secretary, Suryapet, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare that Rice is not an agricultural produce and therefore Livestock Markets Act, 1966 and therefore not in accordance with Section 2 (1) of the Act and Strike down item 2 of Schedule-II of the Act and (2) to declare that stopping or otherwise obstructing the movement of rice by the respondents at the check post or any other place, demanding and collecting Market fee from the petitioners is illegal and beyond the scope of Rule 75 and not in accordance with section 12 of the Act by issuing Writ of Mandamus or any other Writ, direction or appropriate order in the circumstances of the case.

Counsel for the Petitioner: MR.G.PRAMOD KUMAR

Counsel for the Respondent No.: GP FOR AGRICULTURE

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WRIT PETITION NO : 18829 of 2003

Between:

1 Venkatadri Industries, Jannapally Road, Rep.by K.Rajaiah, S/o.Basaiah, R/o.Nizamabad. Khanapur, Nizamabad,
2 Hema Rice Mill, Rep.by K.Udaya Bhaskar, S/o.K.Ramchander Gupta, R/o.Nizamabad.
3 Puranmal & Sons, Rep.by Gopaldas Jaju,S/o.late Puranmal Jaju. Mubarak Nagar, Nizamabad,
4 A.Rajyalaxmi Traders, Kishan Gunj, Rep.by A.Narayana, S/o.Are Lingaiah. Nizamabad,
5 M/s.Laxmi Venkataramana Industries, Rep.by Chenna Lalitha, W/o.C.Ramesh. Kaloor, Nizamabad,
6 Ajantha Rice Mill, Dharmaram, Rep.by Hanmandlu, S/o.Narsimhulu. Nizamabad,
7 Sri Chakra Industries, Rep.by B.Hanmandlu, S/o.Narsimhulu. Bardipoor, Nizamabad,

8 Janakiram Traders, Rep.by U.Kishan, S/o.Rajaiah.
Shivaji Nagar, Nizamabad,

9 Vavilala Rameshwar Industries, Khanapur, Rep.by V.V.Gangadhar Babu, S/o.Rameshwar Gupta.
Nizamabad,
10 Varalaxmi Binny Rice Mill, Rep.by K.Mohan Rao, S/o.Janardhanarao.
Pothangal, Navipet, Nizamabad,

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, Rep.by Secretary, Food & Agrl.(Mktg.) Dept.,
Secretariat, Hyderabad.
2 The Director of Marketing, Government of Andhra Pradesh,
Hyderabad.
3 The Agricultural Market Committee, Rep.by Secretary.
Nizamabad,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare that Rice is not an Agricultural produce and therefore item 2 of Schedule-II of the A.P. (Agrl. Produce & Livestock) Markets Act, 1966 and therefore not in accordance with Section 2(1) of the Act and strike down item 2 of Schedule-II of the Act and (2) to declare that stopping or otherwise obstructing the movement of Rice by the respondents at the check posts or any other place, demanding and collecting Market Fee from the petitioners is illegal and beyond the scope of Rule 75 and not in accordance with Sec.12 of the Act by issuing Writ of Mandamus or any other writ, direction of appropriate order in the circumstances of the case.

Counsel for the Petitioner: MR.G.PRAMOD KUMAR

Counsel for the Respondent No.: G.P. FOR AGRICULTURE

WRIT PETITION NO : 19257 of 2003

Between:

1 Omkar Industries, Rep.by Deepak agarwal, S/o Gangadhar Agarwal
Arsapalli, Nizamabad.
2 Bhavani Industries, Rep. by its R.Srinivas,
S/o Kistaiah
Kamareddy. Nizamabad.

3 Laxmi Ganesh Industries, Rep. by its Rep. by its M.Anjaneyulu, S/o Siddaiah Devunpalli, Kamareddy,
Nizamabad.
4 Murali Krishna Binny Rice Mill, Rep. by its G.Muralaiah, S/o Yellaiah Kamareddy,
Nizamabad

..... PETITIONERS

AND

1 The Government of A.P., Rep.by its Secretary, F&A(Mktg)Department Secretariat, Hyderabad
2 The Director of Marketing, Government of A.P.,
Hyderabad.
3 The Agricultural Market Committee,
Nizamabad.
4 The Agricultural Market Committee,
Kamareddy, Nizamabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare that Rice is not an agricultural produce and therefore item 2 of schedule -II of the A.P.(Agricultural produce and livestock) Markets Act, 1966 and therefore not in accordance with action 2 (1) of the Act and to declare that stopping or otherwise constructing the account of rice by the respondents at the check posts or any other place, demanding and collecting Market Fee from the petitioners is illegal and beyond the scope of Rule 76 and not in accordance with section 12 of the Act by issuing any writ of Mandamus or any other writ, direction or appropriate order in the circumstances and pass

Counsel for the Petitioner: MR.G.PRAMOD KUMAR

Counsel for the Respondent No.: GP FOR AGRICULTURE

WRIT PETITION NO : 19680 of 2003

Between:

1 M/s. Bhavani Industries, binny Rice Mill, Dharmacheruvu, Rep. by Managing Partner, S. Siddaramulu, S/o. S.Anjaiah,
N.H. 7 Road, Ramayampet, Medak District
2 Sri Balaji Binny Rice Mills, Rep. by Mg. Partner, T. Chandramouli, S/o. Laxminarayana,
N.H. 7 Road, Ramayampet, Medak District,
3 Kamadhenu Industries Binny Rice Mill, Rep. by Mg. Partner S. Nagabhushanam, S/o. Venkaiah,
Ramayampet, Medak District,
4 M/s. Annapurna Traders, Ramayampet, Medak District Rep. by Prop. N.

Ramchandram, S/o. Venkaiah,
Ramayampet, Medak District
5 M/s. Sri Mahalakshmi Binny Rice Mills, Ramayanpet, Rep. by Mg. Partner T. Ravinder, S/o. Shivaiah,
Ramayampet, Medak District,
6 M/s. Sri Kanyanka Parameshwari Binny Rice Mill, Rep. by prop. S. Narayana, S/o. Rajaiah,
Siddpet Road, Ramayampet, Medak District,

7 M/s. Kaveri Rice Industires, Rep. Prop. K. Rajesham, s/o. Lingaiah.
Akkanapeta, Ramayampet Mandal, Medak District,
8 M/s. Vijaya Durga Rice Mill, Rep. by Mg. Partner K. Venkatesham, S/o. Sidaiah,
Laxmapur Village, Ramayampet Mandal, Medak District,
9 M/s. Santhosh Trading Company, Rep. by its Managing Partner Srinivas, S/o. Balaiah,
Laxmapur Village, Ramayampet Mandal, Medak District,
10 M/s. Bhagyalaxmi Traders, Rep. by Mg. Partner, I. Kedarnath, S/o. Momkaiah,
Konapur, Ramayampet Mandal, Medak District,
11 M/s. Maheshwari Binni Rice mill, Rep. by Mg. Partner, A. Srinivas, S/o. Shankaraiah,
D. Dharmaram, Ramayampet Mandal, Medak District,
12 M/s. Vasavi Trading Company, Rep. by Ravinder, S/o. Rukmaiah,
Kalvakunta Village, Ramayampet Mandal, Medak District,
13 Sri Laxmi Industries, Damarcheruvu, Rep. by Mg. Partner, E. Srinivas, S/o. Narasaiah,
Ramayampet Mandal, Medak District,

..... PETITIONERS

AND

1 The Government of A.P., Rep. by its Secretary,
Food & Agriculture (Marketing) Dept., Secretariat, Hyderabad.
2 The Director of Marketing, Govt. of A.P.,
Hyderabad.
3 The Agricultural Market Committee, Rep. by its Secretary,
Ramayampet Mandal, Medak District,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare that rice is not an agricultural produce and therefore item 2 of Schedule-II of the A.P. (Agricultural Produce and Livestock) Markets Act, 1966 and therefor not in accordance with Section 2(1) of the Act and strike down item 2 of Schedule0II of the Act and (2) to declare that stopping or otherwise obstructing the movement of rice by the respondents at the check posts or any other place, demanding and collecting Market Fee from the petitioner is illegal and beyond the scope of the Rule 75 and not in accordance with Section 12 of the Act by issuing Writ of Mandamus or any other writ, direction or appropriate order in the circumstances and pass

Counsel for the Petitioner: MR.G.PRAMOD KUMAR

Counsel for the Respondent No.: MRS.S.NANDA

WRIT PETITION NO : 19921 of 2003

Between:

1 Sri Balaji Rice Mill., Rep.by J.Sanjeeva Kumar, S/o Lingaiah.
Kamareddy., Nizamabad District.,
2 M/s Sri Sai Srinivasa Trading Co., Rep.by L.Chandraiah, s/o Eshwaraiah
Kamareddy Nizamabad District

3 Maheshwari Traders, Rep.by S.Gouri Shanker S/o Hanmandlu
Kamareddy, Nizamabad District.,
4 Balaji & Co., Rep by its Ch.Ashok, S/o. Ch.Bhoomaiah
Kamareddy., Nizamabad District
5 Radha Krishna Industries., Rep.by A.Kistaiah, S/o Venkaiah
Kamareddy., Nizamabad District
6 Vasavi Industries, Rep.by D.Ramesh Kumar s/o Laxmi Narayana
Kamareddy, Nizamabad District.,
7 Kodipyaka Rajaiah Rice Mill., Rep.by K.Rajaiah s/o Laxmaiah
Kamareddy., Nizamabad District
8 Sri Raghavendra Industries, Rep.by K.Lingam, s/o Venkataramulu
Kamareddy,
Nizamabad District
9 M/s Shiva Sai Traders, Rep.by T.Rajeshwara Rao, s/o Kuchaiah
Kamareddy, Nizamabad District
10 Sri Venkatadri Industries, Rep.by M.Prakash, s/o M.Chiranjeevulu
Kamareddy, Nizamabad District
11 Sri Sangameswara Traders Rep.by A.Ramesh s/o Kistaiah
Kamareddy, Nizamabad District
12 Sri Bhairava Traders., Rep.by K.Suresh S/o Bhairaiah
Kamareddy, Nizamabad District
13 Sri Rajarajeshwara Rice Mill., Rep.by N.Rajeswar Reddy, S/o. N.Raji Reddy.
Kamareddy, Nizamabad District
14 Sri Vyshnavi Traders., Rep.by P.Nagender s/o Bhairaiah
Kamareddy, Nizamabad District
15 Shiva Krishna Rice Mill., rep.by P.Badraiah s/o Kistaiah
Khanapur Nizamabad
16 Ramakrishna Industries, rep.by V.Ramulu, s/o Narayana
Araspalli., Nizamabad

..... PETITIONERS

AND

1 The Government of Andhra Pradesh., Rep.by its Secretary, Food & Agriculture (Mktg.) Dept.,
Secretariat., Hyderabad.
2 The Director of Marketing.,
Govt. of A.P., Hyderabad.
3 The Agricultural Market Committee, Rep.by its Secretary.
Nizamabad,
4 The Agricultural Market Committee, Rep.by its Secretary.

Kamareddy., Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare that rice is not an agricultural produce and therefore item 2 of Schedule-II of the A.P.(Agricultural Produce and Livestock) Markets Act, 1966 and therefore not in accordance with Section 2(1) of the Act and strike down item 2 of Schedule-II of the Act and (2) to declare that stopping or otherwise obstruction the movement of rice by the Respondents at the Check posts or any other place, demanding and collecting Market fee from the petitioners is illegal and beyond the scope of Rule 75 and not in accordance with Sec.12 of the Act by issuing Writ of Mandamus or any other Writ, direction or appropriate order in the circumstances of the case

Counsel for the Petitioner: MR.G.PRAMOD KUMAR

Counsel for the Respondent No.: GP FOR AGRICULTURE

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WRIT PETITION NO : 23097 of 2003

Between:

1 Gomatha Rice Mill, Nizamabad. Rep. by Ch.Shekar, S/o.Bhairaiah,
R/o. Dharmaram,
2 M/S Laxmi Ganapathi Traders, Nizamabad, rep. by K. Laxman, S/O Balraj,
R/O Nizamabad
3 Panduranga Traders, Nizamabad, Rep. by B. Ramanaiah, S/o.Laxmipathi,
R/o.Nizamabad.
4 Sri Venkataramana Traders, Namdevwada, Nizamabad, Rep. by M.Anjaiah, S/o.Laxmaiah,
R/o.Namdevwada, Nizamabad.
5 M/S Balaji Rice Mill, Rep. by Dandayal Agarwal, S/o.Nathilal,
R/o. Armoor, Nizamabad District. Janakampet, Armoor, Nizamabad District.
6 Sri Balaji Agro Industries, Armoor, Nizamabad District. Rep. by A. Balaji Agarwal, S/O Nathilal,
R/o.Armoor, Nizamabad District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary,
Food & Agrl. (Marketing) Department. Secretariat,
Hyderabad.
2 The Director of Marketing, Government of Andhra Pradesh,
Hyderabad.
3 The Agricultural Market Committee, Rep. by its Secretary,

Nizamabad, Nizamabad District.
4 The Agricultural Market Committee, Rep. by its Secretary,
Armoor, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ declaring that the action of the respondents in notifying the Rice as Agricultural produce for the purpose of levy of Market Fee under the provisions of the A.P. Agricultural (Produce & Livestock) Markets Act, 1966, is arbitrary and illegal, and direct the respondents no to insist the petitioners to pay Market Fee on the Rice milled from out of paddy, if necessary by granting a declaration that Rice is not an Agricultural Produce within the meaning of the A.P. Agricultural (Produce & Livestock) Markets Act, 1966 and grant.

Counsel for the Petitioner: MR.G.PRAMOD KUMAR

Counsel for the Respondent No.: GP FOR AGRICULTURE

WRIT PETITION NO : 23457 of 2003

Between:

1 M/s. Raja Industries Modern Binny Rice & Oil Mills, rep. by Vangapalli Ramesh,
.
S/o V. Nagabhooshanam, R/o. Yellareddy.
Yellareddy, Nizamabad District
2 Sri Raghavendra Industries, rep. by prop. Kancharla Balakishan, Yellareddy, Nizamabad.
S/o. K. Goeind, R/o. Yellareddy.
3 M/s. Sri Raja Rajeshwara Corporation Oil & Rice Mills, rep. by S. Chandra Prakash, Yellareddy, Nizamabad,
S/o. Rajeshwar, R/o. Yellareddy.
4 Hanuman Industries, rep. by M. Harinarayana, Yellareddy, Nizamabad,
S/o M. Susharshan, R/o. Yellareddy.
5 M/s. Radhakrishna Binny Rice Mill, rep. by K. Nara Goud, S/o. Kistha Goud,
Maltummeda Village,Nizamabad District.
6 Sadat Industries, rep. by Syed Zaheer, S/o Syed Jafarulla,
Yellareddy, Nizamabad District.
7 M/s. Sri Maharaji Corporation, rep. by Prop. S. Surya Prakash, S/o S. Ramakishan,
Yellareddy,Nizamabad District.
8 Dhanalaxmi Rice Mill, rep. by Prop. M. Sudharshan, S/o. Pentaiah,
Yellareddy,Nizamabad District.
9 M/s. Vasavi Industries, rep. by Kaparthi Bala kishan, S/o. Mallaiah,
Mallaiahpally Village, Yellareddy Mandal,Nizamabad District.
10 Sri Tirumala Rice & Oil Mill, rep. by M. Laxman, S/o. Chiranjeevulu,
Yellareddy, Nizamabad District.
11 Hari Priya Industries, (Rice Mills), rep. by Naikote Ravinder, S/o Sangameshwar,

Devunipalli Village, Nizamabad District.

..... PETITIONERS

AND

1 The Government of AP, rep. by its Secretary Food & Agrl. (Marketing) Department,
Secretariat, Hyderabad.
2 The Director of Marketing, Government of AP,
Hyderabad.
3 The Agricultural Market Committee, rep. by its Secretary,
Yellareddy, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ declaring that the action of the respondents in notifying the Rice as Agricultural produce for the purpose of levy of Market Fee under the provisions of the A.P. Agricultural (Produce & Livestock) Mark Act, 1966, is arbitrary and illegal, and direct the respondents not to insist the petitioners to pay Market Fee on the Rice milled from out of paddy, if necessary by granting a declaration that Rice is not an Agricultural Produce within the meaning of the A.P. Agricultural (Produce & Livestock) Markets Act, 1966.

Counsel for the Petitioner: MR.G.PRAMOD KUMAR

Counsel for the Respondent: GP FOR AGRICULTURE FOR R1, R2

MRS.NANDA R. RAO FOR R3

WRIT PETITION NO : 23600 of 2003

Between:

Raghuram Industries, Rep. by its partner M. Ravinder S/o M.Mallesham,
Pragathi Nagar (T) Tirumalagiri,
Nalgonda District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary,
Food & Agriculture (Marketing) Department, Secretariat,
Hyderabad.
2 The Director of Marketing, Government of Andhra Pradesh,
Hyderabad.
3 The Agricultural Market Committee, Rep. by its Secretary.
Tirumalagiri, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ declaring that the action of the respondents in notifying the Rice as Agricultural produce for the purpose of levy of Market Fee under the provisions of the A.P. Agricultural (Produce and Livestock) Markets Act 1966 is arbitrary and illegal, and direct the respondents not to insist the petitioner to pay Market Fee on the Rice milled from out of paddy, if necessary by granting a declaration that Rice is not an Agricultural Produce within the meaning of the A.P. Agricultural (Produce and Livestock) Markets Act 1966 and grant such other relief as it deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.G.PRAMOD KUMAR

Counsel for the Respondent No.: GP FOR AGRICULTURE

WRIT PETITION NO : 24894 of 2003

Between:

1 M/s. Vasu Traders, Nizamabad, Rep. by M. Tirupati, S/o. Nagabhushanam Gupta,
R/o. Nizamabad.
2 Venkateshwara Rice Mill, Rep. by Anjaiah, S/o. Pentaiah,
Kaloor, Nizamabad,
3 M/s. Uma Maheshwara Industries, Rep. by K. Rajanna, S/o. Kashaiah,
Khanapur, Nizamabad,
4 M/s. L.G. Agro Industries, Rep. by L. Srinivas, S/o. late L. Gangarajan,
Khanapur, Nizamabad,
5 Sri Laxmi Venkateshwara Binny Rice Mill, Gunduram,Nizamabad, Rep. by Ravinder Reddy, S/o. Vemareddy,
6 M/s. Poornima Traders Rice Mill, Nandipet, Nizamabad, Rep. by K. Hanumanth Rao, S/o. K. Venkaiah,
7 M/s. Dwarakamayee Industries Rice mills, Pitlam, Nizamabad, Rep. by V. Subash, S/o. Dasthaiah,
8 M/s. Dhana Laxmi Binni Rice Mill, Pitlam, Nizamabad, Rep. by B. Jagadishwar, S/o. Nagaiah,
9 M/s. Narasimha Traders Rice Mill, Pitlam, Nizamabad, Rep. by B. Narasimlu, S/o. Agamaiah,
10 Pradeep Rice & Oil Mill, Pitlam, Nizamabad District, Rep. by D. Satyanarayana, S/o. Mallaiah,
11 Dhanalaxmi Rice Mill, Rep. N. Shankar, S/o. Vittal,
Kargow, (Bodhan), Nizamabad District,
12 Ramakrishna Industries, Rep. By Ramulu, S/o. Eswariah,
Nizamabad,
13 P.A.C.S., Ehonda, Rep. by Shankara Rao, S/o. Somashekar,
Nizamabad,
14 Kaparthi Dharmaveer & Co., Rep. by A. Satyanarayana, S/o. Laxmaiah,
Ashokfarm, Nizamabad,

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary,
Food & Agriculture (Mktg) Department, Secretariat, Hyderabad.
2 The Director of Marketing, Govt. of A.P.,
Hyderabad.
3 The Agricultural Market Committee, Nizamabad, Rep. by its Secretary
Nizamabad Distrct,
4 The Agricultural Market Committee, Rep. by its Secretary.
Bodhan, Nizamabad Distrct,
5 The Agricultural Market Committee, Rep. by its Secretary.
Pitlam,
Nizamabad Distrct,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ declaring that the action of the respondents in notifying the Rice as Agricultural Produce for the purpose of levy of Market Fee under the provisions of the A.P. Agricultural (Produce and Livestock) Market Act 1966 is arbitrary and illegal, and direct the respondents not to insist the petitioner to pay Market Fee on the Rice milled for out of paddy, if necessary by granting a declaration that Rice is not an Agricultural (Produce and Livestock) Markets Act 1966 and grant such other relief as it deem fit and proper

Counsel for the Petitioner: MR.G.PRAMOD KUMAR

Counsel for the Respondent No.: GP FOR AGRICULTURE

WRIT PETITION NO : 25928 of 2003

Between:

1 Sai Sudha Industries, Achampalli, Rep. by K. Sambi Reddy, S/o Hanimi Reddy, Bodhan, R/o Achampalli,
Nizamabad District.
2 Sri Venkateshwar Rice Mill, Rep. by B. Ramesh, S/o S. Ramaiah,
Varni, Nizamabad District.
3 Sri Annapurna Paddy Millers (P) Limited, Rep. by B. Bhupender, S/o Butchaiah,
Varni, Nizamabad District.
4 Vinayaka Agro Industries, Rakasipet, Rep. by T.Peddi Reddy s/o.T.Lakshma Reddy, Bodhan, Nizamabad District.
5 Sri Rama Rice Mill, Rep. by B. Ramu Gupta, S/o. Gangadhar,
Rudrur, Nizamabad District.
6 Sri Srinivasa Industries, Kumarpally, Rep. by B. Ramesh Gupta, S/o Gangaram,
Bodhan, Nizamabad District.
7 M/s Mathrusree Moder Rice Mill, Rep. by P.Vittal Rao, S/o Naganath Rao,

Kotgir, Nizamabad District.
8 Mahendra Traders, Bodhan, Rep. by Kishore Inani, S/o Chand Bhai Inani, Nizamabad District.
9 Vasavi Binny Rice Mill, Rep. by Mohan Raj, S/o. Dhanraj Halu, Bodhan, Nizamabad District.
10 Meenakshi Industries, Rep. by Ravindra Kumar Gupta, S/o. K.L. Gupta, Arsapally, Nizamabad.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary, Food and Agriculture (Mktg.) Department, Secretariat, Hyderabad.
2 The Director of Marketing, Government of Andhra Pradesh, Hyderabad.
3 The Agricultural Market Committee, Rep. by its Secretary, Nizamabad, Nizamabad District.
4 The Agricultural Market Committee, Rep. by its Secretary, Bodhan, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate Writ declaring that the action of the respondents in notifying the Rice as Agriculture Produce for the purpose of levy of Market Fee under the provisions of the A.P. Agricultural (Produce and Livestock) Markets Act 1966 is arbitrary and illegal, and direct the respondents not to insist the petitioners to pay market Fee on the Rice milled from out of paddy, if necessary by granting a declaration that Rice is not an Agricultural produce within the meaning of the AP. Agricultural (Produce and Livestock) Markets Act 1966 and grant such other relief

Counsel for the Petitioner: MR.G.PRAMOD KUMAR

Counsel for the Respondent No.: GP FOR AGRICULTURE

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WRIT PETITION NO : 27160 of 2003

Between:

1 M/s Ishwarya Trading Company, Rep. by Mr. Vittal Reddy, S/o B.Srinivas Reddy, Desaipet, Banswada,
Nizamabad District.
2 Venkataramana Agro Industries, Rep. by N.Nagesh, S/o N.Venkata Ramaiah, Nizamabad.
3 M/s Bhasker Industries, Rep. by Mr.Raghunandan Reddy, S/o Bhasker Reddy,

Nizamabad.
4 Parameshwari Industries, Rep. by Mr.P.Ramaiah, S/o Chandraiah, Dharmaram (B), Nizamabad.
5 M/s Sadguru Sai Binny Rice Mill, Rep. by B.Hanumanthulu, S/o Laxmaiah, Sirkur, Nizamabad District.
6 Om Sai Traders, Sirkur, Rep by Mr. Gangadhar, S/o Tukaram, Nizamabad District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, Rep by its Secretary, Food And Agrl. (Marketing), Department, Secretariat, Hyderabad,.
2 The Director of Marketing, Government of Andhra Pradesh, Hyderabad.
3 The Agricultural Market Committee, Rep. by its Secretary, Nizamabad, Nizamabad District.
4 The Agricultural Market Committee, Rep. by its Secretary, Banswada, Nizamabad District,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondents in notifying the Rice as Agricultural produce for the purpose of levy of Market Fee under the provisions of the A.P. Agricultural (Produce and Livestock) Markets Act 1966 is arbitrary and illegal, and direct the respondents not to insist the petitioners to pay Market fee on the Rice Milled from out of paddy. If necessary by granting a declaration that Rice is not an Agricultural Produce within the meaning of the A.P. Agricultural (Produce and Livestock) Markets Act 1966

Counsel for the Petitioner: MR.G.PRAMOD KUMAR

Counsel for the Respondent No.: GP FOR AGRICULTURE

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WRIT PETITION NO : 341 of 2004

Between:

1 Padigala Rajeshwar Rice & Oil Merchant, Nirmal, rep., by P.Satyanarayana, S/o P.Rajeshwar
R/o Nirmal, Adilabad District.
2 Venkataramana Modern Rice Mill, Nirmal, rep., by K.Gangadhar, S/o K.Narayana

R/o Nirmal, Adilabad District.

3 Srinivasa Modern Rice & Oil Mill, Nirmal, rep., by C.Ravinder, S/o C.Narayana
R/o Nirmal, Adilabad District.

4 Sai Modern Rice Mill, Soan, Nirmal, Adilabad District rep., by C.Kashinath, S/o Mahadev
R/o Nirmal, Adilabad.

5 Sri Venkateshwara Paraboiled Rice Industries, Kadthal, Nirmal, Adilabad Dist., rep., by Ist Partner
C.Kashinath, s/o C.Mahadev aged 42 years, r/o Nirmal, Adilabad District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, Food & Agrl.(Mktg.) Dept., Secretariat, Hyderabad, rep., by its Secretary.

2 The Director of Marketing, Govt., of A.P., Hyderabad.

3 The Agricultural Market Committee, Nirmal, Adilabad District, rep., by its Secretary.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ declaring that the action of the respondents in notifying the Rice as agricultural Produce for the purpose of levy of Market fee under provisions of the A.P. Agricultural (Produce and Livestock) Markets Act 1966 is arbitrary and illegal, and direct the respondents not to insist the petitioners to pay Market Fee on the Rice milled from out of paddy, if necessary by granting a declaration that Rice is not an Agricultural Produce within the meaning of A.P. Agricultural (Produce and Livestock) Markets Act 1966 and grant such other relief as it deems fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.G.PRAMOD KUMAR

Counsel for the Respondent No.: GP FOR AGRICULTURE

The Court made the following:

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COMMON ORDER: (Per Hon'ble Sri Justice T.Ch.Surya Rao)

Since common questions of fact and law arise in the present writ petitions and these matters are squarely covered by the judgment of this Court in W.P.No.18977 of 2002 and batch, these writ petitions can be disposed of together.

Petitioners seek Writ of Mandamus declaring the action of the respondents in notifying rice as agricultural produce for the purpose of levy of market fee under provisions of the A.P. Agricultural (Produce & Live Stock) Markets Act, 1966 as arbitrary and illegal.

The contention of the learned counsel for petitioners seems to be that rice is not an agricultural produce within the meaning of Section 2(i) of the Act, since by means of separate notification the Government of Andhra Pradesh declared that agricultural produce shall mean either processed or unprocessed. Petitioners seek to assail the said notification and filed the present writ petitions.

The matter is no more *res integra* and it is squarely covered by the judgment of this Court whereby it has been held as follows:

> "In view of these judgments and in view of the other reasons given hereinabove, we have no doubt in our mind that both the processed and unprocessed agricultural produce can be agricultural produce within the meaning of section 2(b) of the Act provided it is notified in terms of the Act for the purpose of the Act by the Government."

In view of the above, there is no difficulty in disposing of this batch of writ petitions following the ratio in the said judgment.

For the above reasons, these writ petitions must fail and are, accordingly, dismissed. No order as to costs.

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(M.H.S.ANSARI, J.)

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(T.CH.SURYA RAO, J.)

7.3.2005.

kpr

To

1 The Secretary, Food & Agriculture (Mktg) Department, Government of

Andhra Pradesh, Secretariat, Hyderabad.
2 The Director of Marketing, Govt. of Andhra Pradesh,
Hyderabad.
3 The Secretary, Agricultural Market Committee, Nizamabad,
Nizamabad Distrct,
4 The Secretary,Agricultural Market Committee,
Bodhan, Nizamabad Distrct,
5 The Secretary, Agricultural Market Committee,
Pitlam, Nizamabad Distrct.

6. The Secretary, Agricultural Market Committee, Kamareddy, Nizamabad.

7. The Secretary, Agricultural Market Committee, Ramayampet,

Medak District.

8. The Secretary, Agricultural Market Committee, Chityal, Nalgonda Dist.

9. The Secretary, Agricultural Market Committee, Suryapet, Nalgonda Dist.

10. The Secretary, Agricultural Market Committee, Armoor, Nizamabad.

11. The Secretary, Agricultural Market Committee, Nirmal, Adilabad Dist.

12. The Secretary, Agricultural Market Committee, Bodhan, Nizamabad Dist.

13. The Secretary, Agricultural Market Committee, Banswada, Nizamabad Dist.

14. The Secretary, Agricultural Market Committee, Yellareddy, Nizamabad Dist.

15. The Secretary, Agricultural Market Committee, Tirumalagiri, Nalgonda Dist.

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